



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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MARY F. MCTIGUE  
DIRECTOR

October 17, 1988  
AO-88-30

Peter Forman  
State Representative  
House of Representatives  
State House  
Boston, MA 02133

Dear Representative Forman:

This letter is in response to your recent request for an advisory opinion concerning the use of a computer purchased by your campaign committee for the drafting of letters by your legislative office.

You have stated that the computer has word processing capabilities and you therefore wish to do a considerable amount of letter drafting on it, including final drafts of official replies to constituent requests. This type of correspondence would not be personal and the stationary to be used for such letters would be your official stationary, with the state seal, paid for with public funds. You have observed that such written replies are a function of your elected office and do not, in themselves, constitute campaign activity, although the records of such correspondence may be used later for possible political purposes.

Section 6 of M.G.L. c.55 permits a political committee such as yours to make expenditures "for the enhancement of the political future of the candidate...for which the committee was organized so long as such expenditure is not primarily for the candidate's or any other person's personal use..." Therefore, in order for a political committee to purchase any item, such item's primary purpose must be for use in a political campaign.

In various advisory opinions, this office has concluded that political committees could expend funds to purchase computers to maintain records of constituency calls, services and results of constituency inquiries, provided that the primary purpose of maintaining such records would

be for their subsequent use in a political campaign.

This office has distinguished between political and governmental activity in the past, however. This distinction would best be exemplified by the maintenance of records of responses to constituent inquiries for later campaign purposes (as described in the previous paragraph) as political activity compared to the generation of the actual responses to constituent inquiries as part of the legislative function of an office as governmental activity.

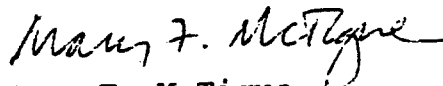
It is therefore the opinion of this office that a computer purchased with political committee funds may not be used to draft response letters to constituent inquiries. While your committee may purchase items related to your political activities, the use of such items primarily in governmental activities related to your job as a legislator is not permitted by M.G.L. c.55.

Please note that at such time that the computer purchased with campaign funds is to be used for any fundraising purpose, it must be removed from any public building, including the State House. In addition, the computer must remain the property of your committee, and may not be used "primarily for the candidate's or any other person's personal use," as stated above. At such time that your committee is dissolved, the computer must be disposed of in accordance with the provisions for dissolution contained in M.G.L. c.55.

This opinion has been rendered solely on the basis of the representations made in your letter.

Should you have additional questions, please do not hesitate to contact this office.

Very truly yours,



Mary F. McTigue  
Director

MFm/ba